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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,023	03/31/2004	Yen Sheng Chang	BHT-3244-40	3849

7590 07/25/2006

TROXELL LAW OFFICE PLLC
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5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER

BAE, JI H

ART UNIT	PAPER NUMBER
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2115

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,023

Applicant(s)

CHANG, YEN SHENG

Examiner

Ji H. Bae

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 7, 8, 15, 18, 22, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Feigenbaum et al., U.S. Patent No. 5,307,497.

Regarding claim 1, Feigenbaum a method with steps comprising:

providing a memory accessing unit having a memory module for storing booting information for the computer [Fig. 1, ROM 16];

reading the booting information and saving the booting information in the main memory when the computer is booting;

and executing the booting information stored in the main memory [col. 3, lines 30-60].

Regarding claim 4, Feigenbaum teaches that the memory module is a non-volatile memory.

Regarding claims 7 and 8, Feigenbaum teaches that the booting information comprises at least a booting file, registry file, execution file, or association file for an operating system [col. 5, line 50 to col. 6, line 59]. Feigenbaum also teaches that the booting information comprises an operating system [DOS].

Art Unit: 2115

Regarding claim 15, Feigenbaum teaches at least one CPU reads and executes the booting information when the computer is booting [Fig. 1, microprocessor 12].

Regarding claims 18, 22, 25, and 26, Feigenbaum teaches the method of claims 1, 4, 7, 8, and 15. Feigenbaum also teaches the apparatus to implement the claimed method.

Claims 5, 6, 9-14, 16, 17, 20, 21, 23, 24, and 27-30 are rejected under 35 U.S.C. 102(e) as being anticipated by James, U.S. Patent Application Publication No. 2004/0034765 A1.

Regarding claims 5 and 6, James teaches the method of claim 1 [Fig. 1]. James also teaches that the non-volatile memory is a flash memory. James further teaches that the flash memory may be a flash RAM memory that requires a battery to maintain the memory content [paragraph 71].

Regarding claims 9-14, 16 and 17, James teaches:

that the operating system is MS Windows [paragraph 42];

that the booting information is a booting image file [abstract];

that the booting image file is constructed by booting information stored in the main memory when the computer is turned on [Fig. 2, steps 17-20];

setting the memory accessing unit as a booting device of the computer through the BIOS settings of the computer [paragraph 29, BIOS selects either the hard drive or flash memory as boot device];

that the memory accessing unit is connected to the main memory through a PCI interface [paragraph 30];

saving the booting image file in the memory accessing unit before shutting down the computer [Fig. 2, step 20];

Art Unit: 2115

saving at least one booting file, registry file, execution file, and association file for an operating system in the memory accessing unit before shutting down the computer [registry hive, paragraph 42].

Regarding claims 20, 21, 23, 24, and 27-30, James teaches the method of claims 5, 6, 9-14, 16, and 17, and also teaches the apparatus to implement the claimed method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 19, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Feigenbaum.

Regarding claims 2, 3, 19, and 31, it would have been obvious to one of ordinary skill in the art to apply the teachings of Feigenbaum to desktop computers, notebook computers, or servers, as the systems are sufficiently similar that the teachings of Feigenbaum would apply to all three types. Additionally, it would have been obvious to one of ordinary skill in the art to implement the main memory as either DRAM, DDRAM, or RAMBUS as a matter of design choice. The selection of RAM type does not affect the inventive teachings of Feigenbaum.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2115

Aguilar et al., U.S. Patent No. 6,289,449 B1;
Watts, U.S. Patent No. 6,336,161 B1;
Kang, U.S. Patent No. 6,434,696 B1;
Park, U.S. Patent Application Publication No. 2003/0145191 A1;
Stein et al., U.S. Patent No. 6,636,963 B1;
Ryu, U.S. Patent No. 6,453,414 B1;
Govindaraj et al., U.S. Patent No. 6,901,298 B1;
Cho, U.S. Patent No. 2005/0055591 A1;
Hsiao, U.S. Patent No. 6,718,548 B1;
Rhoads et al., U.S. Patent No. 6,715,067 B1;
Kobayashi, U.S. Patent No. 6,513,113 B1;
Lee et al., U.S. Patent Application Publication No. 2003/0172261 A1.

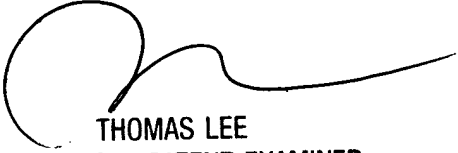
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji H. Bae whose telephone number is 571-272-7181. The examiner can normally be reached on Monday-Friday, 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2115

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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